

THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

RODNEY GATSON,	§	
	§	
v.	§	Civil Action No. 4:22-cv-11-SDJ-KPJ
	§	
WILSHIRE COMMERCIAL	§	
CAPITAL LLC <i>doing business as</i>	§	
WESTLAKE FINANCIAL	§	
SERVICES, et al.		

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

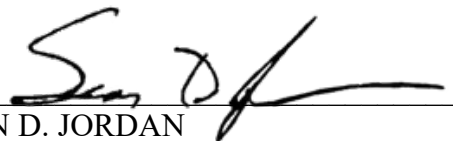
Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On August 31, 2022, the Magistrate Judge entered proposed findings of fact and a recommendation (the “Report”), (Dkt. #35), that Defendant Wilshire Commercial Capital LLC d/b/a Westlake Financial Services’ (“Westlake”) Motion to Dismiss, (Dkt. #17), Defendant Quality Recovery Services, Inc.’s (“Quality”) Motion to Dismiss, (Dkt. #20), and Defendant TX Motors of North Richland Hills’ (“AutoNation CDJR”) (collectively, “Defendants”) Motion to Dismiss, (Dkt. #27) be granted in part. Further, the Report recommends Plaintiff Rodney Gatson’s (“Plaintiff”) Motion of Opposition to Westlake and Quality’s Motions to Dismiss and Motions for Summary Judgment, (Dkt. #22), be denied as moot.

Having received the Report of the United States Magistrate Judge, and no timely objections being filed, the Court is of the opinion that the findings and

conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's Report as the findings and conclusions of the Court.

Accordingly, Defendants' Motions to Dismiss, (Dkt. #17, #20, #27), are **GRANTED IN PART as follows:** Plaintiff's Truth in Lending Act ("TILA") claims against Defendants and Plaintiff's Fair Debt Collection Practices Act ("FDCPA") claims against Westlake are **DISMISSED WITH PREJUDICE**; Plaintiff's fraud claims against Defendants and FDCPA claims against AutoNation CDJR and Quality are **DISMISSED WITHOUT PREJUDICE** with leave to amend. Plaintiff's Motion, (Dkt. #22), is **DENIED AS MOOT**.

**So ORDERED and SIGNED this 26th day of September, 2022.**

  
SEAN D. JORDAN  
UNITED STATES DISTRICT JUDGE